

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- April 13, 1966

Appeal No. 8690 O. Gambrell et ux, appellants

The Zoning Administrator of the District of Columbia, appellee

On motion duly made, seconded and unanimously carried, the following Order was entered by the Board at its meeting of April 27, 1966.

EFFECTIVE DATE OF ORDER: June 14, 1966

ORDERED:

That the appeal for a variance from the rear yard requirements of the C-2 District to permit a 1-story rear addition to an existing dry cleaning establishment at 1306-1308 H Street, N.E., lot 95 and 96, square 1026, be granted.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

(1) Appellant proposes to erect a one-story rear addition 14'-8" X 11'-9" to the existing cleaning plant. This addition will go back to the rear wall of an existing shed-type boiler room addition.

(2) The existing shed extends five feet beyond the rear yard restriction line. It was built before the current regulations came into effect. The shed houses the boiler room and toilet.

(3) Appellant states that the shed is now in poor condition and is not adequate to house present mechanical equipment needs and lacks good toilet facilities.

(4) The proposed equipment addition and air condition installation will require a larger room with additional height. There is no space in the main structure for housing this equipment.

(5) The main structure does not have a basement, and appellant states that it is desirable to have boiler rooms for cleaning plants out of the ground.

(6) Appellants' lots are not bordered by a public alley, there is no public access to the rear yard.

(7) There was no opposition to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that appellants have proved a hardship within the meaning of the variance clause of the zoning regulations. When appellants' proposed addition is constructed, there will still be ten feet in the rear of the building. Fifteen feet are required by the regulations. Since there is no public access to the rear yard of the appellants' property, this space can never be used for parking and the denial of the appeal to erect this addition would impose an undue hardship upon the appellants.